

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Linda Lopez
Linda Lopez-Hernandez
Linda Lopez-Valdesuso
Linda Lopez-Collazo

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Southern District of California

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States District Court
Southern District of California
221 West Broadway, Suite 2140
San Diego, California 92101

4. **Birthplace**: State year and place of birth.

1968; Miami Beach, Florida

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1996 – 1999, University of Miami School of Law; J.D., 1999

1994 – 1996, Florida International University; B.A., 1996

1992 – 1994, Miami Dade Community College; A.S., 1994

1990 – 1992, Miami Dade Community College; A.A., 1992

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation

from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2018 – present
United States District Court
Southern District of California
221 West Broadway, Suite 2140
San Diego, California 92101
United States Magistrate Judge

2007 – 2018
Federal Defenders of San Diego, Inc.
225 West Broadway
San Diego, California 92101
Senior Trial Attorney

2003 – 2007
Linda Lopez, P.A.
799 Brickell Plaza, #606
Miami, Florida 33131
Sole Practitioner

1990 – 2003
Harry M. Solomon
Roy J. Kahn
800 Brickell Avenue, #1400
Miami, Florida 33131
Attorney (1999 – 2003)
Law Clerk (1996– 1999)
Paralegal (1992 – 1996)
Secretary (1990 – 1992)

Other Affiliations (uncompensated):

2019 – present
Association of Business Trial Lawyers San Diego
8030 La Mesa Boulevard, #127
La Mesa, California 91942
Judicial Board of Governors

2017 – 2020
Federal Bar Association
P.O. Box 124825
San Diego, California 92112
Board Member

2015 – 2018
Saint Vincent de Paul Church
4077 Ibis Street
San Diego, CA 92103
Board Member

2005 – 2007
Florida Association of Criminal Defense Lawyers
P.O. Box 1528
Tallahassee, Florida 32302
Board of Directors

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Recognition for my service on the board from 2018 to 2020, Federal Bar Association (2020)

Recognition for outstanding community service, U.S. District Court for the Southern District of California (2018)

Recognition for my service as a Lawyer Representative from 2014 to 2018, U.S. District Court for the Southern District of California (2018)

Recognition for my service on the board, Florida Association of Criminal Defense Lawyers (2007)

Graduated *magna cum laude*, University of Miami School of Law (1999)

Order of the Coif, University of Miami School of Law (1999)

Dean's List, University of Miami School of Law (multiple semesters 1996 – 1999)

Phi Kappa Phi Honor Society (1997)

Graduated *magna cum laude*, Florida International University (1996)

Dean's List, Florida International University (multiple semesters 1994 – 1996)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Association of Business Trial Lawyers, Judicial Board of Governors (2019 – present)

Cuban American Bar Association, Member (2005 – 2007)

Enright Inn of Court, Master (2019 – present)

Federal Bar Association

Board Member (2017 – 2020)

Head of the Community Outreach Committee (2018 – 2019)

Head of the Fundraising Committee (2017)

Liaison for the Federal Defenders of San Diego, Inc. (2015 – 2016)

Federal Defenders of San Diego, Inc., Outreach Committee Co-Chair (2008 – 2014)

Florida Association of Criminal Defense Lawyers

Member (1999 – 2007)

Board of Directors (2005 – 2007)

Florida Association of Women Lawyers, Member (2002 – 2007)

Lawyer Representative Coordinating Committee for the Ninth Circuit, Member (2016 – 2018)

Lawyer Representative for the Southern District of California (2014 – 2018)

Chairperson (2017 – 2018)

Co-Chair (2016)

Magistrate Judge Education Committee, Member (2019 – present)

National Association of Criminal Defense Lawyers, Member (1999 – 2007)

Pass the Gavel Committee for the Southern District of California, Member (2018)

Welsh Inn of Court, Master (2015 – 2019)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Florida, 1999

California, 2010

In 2012, when I was living in California and practicing exclusively in California with Federal Defenders of San Diego, my Florida Bar membership became delinquent because I had inadvertently not paid my dues in 2012. I reinstated my membership by paying my dues. At that point, I changed my designation to inactive. I resigned from the Florida Bar on October 2, 2019. I have also been an inactive member of the California bar (judicial status) since March 26, 2019.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Ninth Circuit, 2009

United States Court of Appeals for the Eleventh Circuit, 2000

United States District Court for the Southern District of California, 2007

United States District Court for the Southern District of Florida, 1999

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Parent Teacher Guild

President (2015 – 2016)

Vice President (2014 – 2015)

Saint Vincent de Paul Church, Board Member (2015 – 2018)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently

discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

The Oral Advocacy Plight Faced by Newer Lawyers – and What We Hope Lies Ahead, ABTL Report, Summer 2018. Copy supplied.

In 2016, I edited the following four chapters of the *Defending a Federal Criminal Case* publication put together by Federal Defenders of San Diego, Inc.:

Aron L. Israelite, Challenging Illegal Searches and Seizures, in 1 *DEFENDING A FEDERAL CRIMINAL CASE 147* (Ellis M. Johnston III et al. eds., Federal Defenders of San Diego, Inc. 2016). Copy supplied.

Amrutha N Jindal et al., Motions Practice, in 1 *DEFENDING A FEDERAL CRIMINAL CASE 239* (Joshua J. Jones et al. eds., Federal Defenders of San Diego, Inc. 2016). Copy supplied.

Alana B. McMains, Mitigation, in 2 *DEFENDING A FEDERAL CRIMINAL CASE 643* (Caitlin E. Howard et al. eds., Federal Defenders of San Diego, Inc. 2016). Copy supplied.

Nathan M. Feneis et al., Common Offenses, in 3 *DEFENDING A FEDERAL CRIMINAL CASE 909* (Caitlin E. Howard et al. eds., Federal Defenders of San Diego, Inc. 2016). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

In 2017 and 2018, I co-authored the following district court reports for the Ninth Circuit summarizing the yearly Southern District of California Judicial Conference as a Lawyer Representative:

Southern District of California 2017-2018 Annual District Report (2018). Copy supplied.

Southern District of California 2016-2017 Annual District Report (2017). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

June 22, 2021: Speaker, "Students and New Lawyers - Navigating Your Way to Success," San Diego County Bar Association, Virtual Event. I participated in open discussion regarding students' future careers in the law. I have no notes, transcript, or recording. The address for the San Diego County Bar Association is 401 West A Street, Suite 1100, San Diego, California 92101.

April 29, 2021: Panelist, "Reconnecting with your Legal Community," Federal Bar Association, Virtual Event. As a panelist I discussed what the court has done during Covid, precautions, hopes, plans, and practices for full reopening. I have no notes, transcript, or recording. The address for the San Diego Chapter of the Federal Bar Association is P.O. Box 124825, San Diego, California 92112.

March 20, 2021: Speaker, "Trial Skills Seminar," Association of Business Trial Lawyers, San Diego California. I provided feedback to newer lawyers regarding their performance. I have no notes, transcript, or recording. The address for the Association of Business Trial Lawyers San Diego Chapter is 8030 La Mesa Boulevard, Suite 127, La Mesa, California 91942.

February 23, 2021: Speaker, United States District Court for the Southern District of California Naturalization Ceremony, Cabrillo Monument in San Diego, California. As the officiant of the naturalization ceremony, I spoke on the honors and responsibilities of becoming an American citizen and administered the naturalization oath. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

February 10, 2021: Panelist, “Lawyers Club Path to the Bench,” Lawyers Club of San Diego Diverse Women’s Committee, Virtual Event. I discussed my work experience and steps I took to become a magistrate judge. I have no notes, transcript, or recording. The address for the Lawyers Club of San Diego is 402 West Broadway, Suite 1260, San Diego, California 92101.

October 19, 2020: Speaker, Presentation to Evidence Class, University of San Diego School of Law, Virtual Presentation. I lectured on search warrants, probable cause, and the exclusionary rule, and discussed my path to the bench. I have no notes, transcript, or recording. The address for the University of San Diego School of Law is 5998 Alcalá Park, San Diego, California 92110.

September 30, 2020: Speaker, Judicial Round Table, American Business Trial Lawyers, Virtual Event. I participated in a discussion between members and judges about the judicial year. I have no notes, transcript, or recording. The address for the Association of Business Trial Lawyers San Diego Chapter is 8030 La Mesa Boulevard, Suite 127, La Mesa, California 91942.

August 19, 2020: Speaker, United States District Court for the Southern District of California Naturalization Ceremony, Cabrillo National Monument in San Diego, California. As the officiant of the naturalization ceremony, I spoke on the honors and responsibilities of becoming an American citizen and administered the naturalization oath. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

June 10, 2020: Speaker, United States Attorney’s Office for the Southern District of California, Virtual Event. I spoke to law student interns about my own experiences in law school, as a criminal defense lawyer, and as a magistrate judge. I have no notes, transcript, or recording. The address for the United States Attorney’s Office in San Diego is 880 Front Street, San Diego, California 92110.

February 27, 2020: Panelist, “Views from the Bench: Discussion of Patent Trials by Judges of the Southern District of California,” San Diego Intellectual Property Law Association, San Diego, California. I discussed various discovery issues in patent cases. I have no notes, transcript, or recording. The San Diego Intellectual Property Law Association does not have a mailing address.

February 19, 2020: Volunteer, Porter Readers Program at Porter Elementary School, San Diego, California. Porter Readers is a civics awareness program. I, along with other federal district court volunteers, went to my designated classroom to read aloud books describing the history of our country to elementary school students. I have no notes, transcript, or recording. The address for Porter Elementary School is 4800 T Street, San Diego, California 92113.

December 18, 2019: Speaker, United States District Court for the Southern District of California Naturalization Ceremony, Golden Hall in San Diego, California. Notes supplied.

November 22, 2019: Presenter, United States Attorney's College Program, San Diego State University, San Diego, California. I attended a mentor session with San Diego State University students where I discussed my path to the bench, my college and law school experience, and my time working with the Federal Defenders. I have no notes, transcript, or recording. The address for San Diego State University is 5500 Campanile Drive, San Diego, California 92182.

September 23, 2019: Speaker, Presentation to Evidence Class, University of San Diego School of Law. I lectured law students on search warrants, probable cause, and the exclusionary rule. I have no notes, transcript, or recording. The address for the University for San Diego School of Law is 5998 Alcalá Park, San Diego, California 92110.

July 11, 2019: Speaker, Extern Summer Program, United States District Court for the Southern District of California, San Diego, California. I spoke about my experience working as a magistrate judge and my journey to the bench in San Diego. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

June 27, 2019: Presenter, Louis M. Welsh Inn of Court, San Diego, California. At this event I presented awards for the best programs of the year to recipients of the Inn. I have no notes, transcript, or recording. The address for the American Inns of Court Foundation headquarters is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

June 4, 2019: Judge, Elementary School Mock Trial Competition. I presided over an elementary school mock trial competition and gave feedback to the students on their performance. I have no notes, transcript, or recording. I do not recall the elementary school name nor the address.

May 15, 2019: Presenter, Brown Bag Lunch Lecture, Federal Bar Association, San Diego, California. I spoke about my background and experience leading to my selection as a United States Magistrate Judge. I have no notes, transcript, or recording. The address for the Federal Bar Association is P.O. Box 124825, San Diego, California 92112.

February 20, 2019: Judge, High School Mock Trial Competition. I presided over a high school mock trial competition and gave feedback to the students on their performance. I have no notes, transcript, or recording. I do not recall the name of the high school nor the address.

February 20, 2019: Volunteer, Porter Readers Program at Porter Elementary School, San Diego, California. I, along with other federal district court volunteers, went to my designated classroom to read aloud books describing the history of our country to elementary school students. I have no notes, transcript, or recording. The address for Porter Elementary School is 4800 T Street, San Diego, California 92113.

January 30, 2019: Volunteer, Porter Readers Program at Porter Elementary School, San Diego, California. I, along with other federal district court volunteers, went to my designated classroom to read aloud books describing the history of our country to elementary school students. I have no notes, transcript, or recording. The address for Porter Elementary School is 4800 T Street, San Diego, California 92113.

January 23, 2019: Volunteer, Porter Readers Program at Porter Elementary School, San Diego, California. I, along with other federal district court volunteers, went to my designated classroom to read aloud books describing the history of our country to elementary school students. I have no notes, transcript, or recording. The address for Porter Elementary School is 4800 T Street, San Diego, California 92113.

February 10, 2018: Panelist, Annual Southern California Public Interest/Public Sector Career Day, University of California, Los Angeles School of Law. I spoke about my experience working as a Federal Defender and the Federal Defender application process to law students. I have no notes, transcript, or recording. The address for the University of California, Los Angeles School of Law is 385 Charles E Young Drive East, Los Angeles, California 90095.

January 26, 2018: Presenter, Conference of Chief District Judges and the Lawyer Representatives' Coordinating Committee (Ninth Circuit Court of Appeals), Tucson, Arizona. I presented on the need for junior civil lawyers to pursue courtroom litigation practice opportunities. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Ninth Circuit is P.O. Box 193939, San Francisco, California 94119-3939.

June 29, 2017: Speaker, Extern Summer Program, United States District Court for the Southern District of California, San Diego, California. I spoke about my experience working as a Federal Defender and my journey to the profession in San Diego. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

June 16, 2017: Panelist, United States Attorney's Office for the Southern District of California, San Diego, California. I spoke on a panel for law school students from Mexico, explaining the United States court system. I have no notes, transcript, or recording. The address for the United States Attorney's Office in

San Diego is 880 Front Street, San Diego, California 92110.

March 27, 2017: Speaker, Constitutional Law in Action, San Diego, California. I presented to middle school and high school students about constitutional rights and protections. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

November 14, 2016: Speaker, Constitutional Law in Action, San Diego, California. I presented to middle school and high school students about constitutional rights and protections. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

October 24, 2016: Speaker, Constitutional Law in Action, San Diego, California. I presented to middle school and high school students about constitutional rights and protections. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

October 19, 2016: Speaker, Constitutional Law in Action, San Diego, California. I presented to middle school and high school students about constitutional rights and protections. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

October 7, 2016: Speaker, Constitutional Law in Action, San Diego, California. I presented to middle school and high school students about constitutional rights and protections. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

May 20, 2016: Speaker, Constitutional Law in Action, San Diego, California. I presented to middle school and high school students about constitutional rights and protections. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

January 11, 2016: Panelist, Open Doors to the Court, United States District Court for the Southern District of California, San Diego, California. I spoke on a job panel to high school students explaining the work of the Federal Defender, and the pathway to college and law school. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

January 11, 2016: Speaker, Constitutional Law in Action, San Diego, California. I

presented to middle school and high school students about constitutional rights and protections. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

December 14, 2015: Speaker, presentation for high school students. I discussed various aspects of my pathway to the legal profession and explained the work of the Federal Defender. I have no notes, transcript, or recording. I do not recall the organization that sponsored the event nor the address.

March 11, 2015: Panelist, Southern District of California Annual District Court Conference, United States District Court for the Southern District of California, Temecula, California. I spoke on a panel about Sentencing Guidelines and Minor Role Adjustments. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of California is 333 West Broadway, San Diego, California 92101.

February 20, 2015: Panelist. I spoke on a job panel for law students about my career as a Federal Defender, and the work of the Federal Defender. I have no notes, transcript, or recording. I do not recall the sponsoring organization nor the address.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Ami Mody, Judge Linda Lopez: Energizing the Bench with a Fresh Perspective, The Fed. B. Ass'n San Diego Chapter Online Newsletter, July 12, 2021. Copy supplied.

Casey Woods, Fire Union Official Arrested Again, MIAMI HERALD, Aug. 28, 2005. Copy supplied.

Ashley Fantz, Hospital Theft Suspect Named, MIAMI HERALD, Aug. 14, 2003. Copy supplied.

Ashley Fantz, Miramar Man Suspected of Stealing from Hospitals, MIAMI HERALD, Aug. 14, 2003. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

In October 2018 I was appointed by the judges of the Southern District of California as a United States Magistrate Judge. As a magistrate judge, I handle all preliminary matters

on criminal cases, including the issuance or denial of search warrants, arrest warrants, pen registers, probable cause determinations, initial appearances, bond determinations, pretrial release conditions and revocations, felony guilty pleas, misdemeanor guilty pleas, trials, and sentencings.

For our civil docket, we work closely with parties and their counsel from the beginning of their case until it goes to trial. We manage the case docket, conduct settlement conferences, handle all discovery disputes, issue orders on social security cases, and prepare Reports and Recommendations on civil rights claims brought by prisoners as well as habeas corpus petitions. We also handle all other matters referred to us by the district court judges.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

Seven

- i. Of these cases, approximately what percent were:

jury trials:	0%
bench trials:	100%

- ii. Of these cases, approximately what percent were:

civil proceedings:	0%
criminal proceedings:	100%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. Maharaj v. Charter Commc'ns, Inc., No. 20cv64-BAS-LL, 2021 U.S. Dist. LEXIS 73035 (S.D. Cal. Apr. 15, 2021)

Plaintiff Mr. Maharaj filed this putative class action and representative action under the California Private Attorneys General Act for alleged wage and hour violations of California's Labor Code. Mr. Maharaj seeks to represent current and former non-exempt employees of Defendant's who worked as maintenance technicians in California between November 2015 and the present.

The parties had discovery disputes that culminated in a motion to compel. I granted Plaintiff's motion to compel further responses to Plaintiff's interrogatories and denied Plaintiff's request for monetary sanctions. Neither party objected to the order. The case is currently pending in the district court. Discovery deadlines were temporarily vacated until the district judge rules on Defendant's motion to compel arbitration and stay the action. Plaintiff's motion to remand to state court is also currently pending before the district judge.

Counsel for Plaintiff

David X. Lin
Graham Stephen Paul Hollis
Vilmarie Cordero
Graham Hollis APC
3555 Fifth Avenue, Suite 200
San Diego, CA 92103
(619) 692-0800

Counsel for Defendant

Arthur F. Silbergeld
Keith Joseph Rasher
Thompson Coburn LLP
10100 Santa Monica Boulevard, Suite 500
Los Angeles, CA 90067
(310) 282-2500

2. United States v. Bureau of Cannabis Control, No. 20cv1375-BEN-LL, 2020 U.S. Dist. LEXIS 157919 (S.D. Cal. Aug. 31, 2020)

Petitioner, the United States, sought to enforce its administrative subpoena served on the Bureau of Cannabis Control, a state California agency that regulates commercial cannabis licenses for medical and adult use in California. The subpoena, which was issued and served by the Drug Enforcement Administration ("DEA"), sought specific documents from three business entities and three individuals from January 1, 2018, to January 9, 2020, pursuant to an investigation of violations of the Controlled Substances Act. The Bureau of Cannabis Control objected to the subpoena. I issued an order granting the Petition of the United States to enforce the subpoena on the grounds that it sought information relevant to an investigation into the transportation or importation of a controlled substance and was not overly broad or indefinite. No objections were made to the order.

Counsel for Petitioner

Dylan M. Aste

United States Attorney's Office
880 Front Street
San Diego, CA 92101
(619) 546-7621

Counsel for Respondent

Harinder K. Kapur
Senior Assistant Attorney General
California Department of Justice
600 West Broadway, Suite 1800
P.O. Box 85266
San Diego, CA 92101
(619) 738-9407

3. Strike 3 Holdings, LLC v. Doe, No. 20cv67-LAB-LL, 2020 U.S. Dist. LEXIS 118058 (S.D. Cal. July 6, 2020)

Plaintiff filed this copyright infringement case against a Doe defendant, alleging that Defendant had downloaded and distributed 53 of its copyrighted movies over the BitTorrent file distribution network for an extended period of time. Plaintiff has filed many cases of a similar nature against Doe defendants in this district. However, this case was unusual because Plaintiff engaged in legal action related to this case in a state court prior to filing in federal court, which resulted in a third party seeking leave to file an amicus brief.

Plaintiff sought leave to engage in early discovery by serving a third-party subpoena to Defendant's internet provider prior to the Federal Rule of Civil Procedure 26(f) conference. I issued an order granting Plaintiff's request. Defendant subsequently filed a motion to quash the third-party subpoena on equitable grounds and the doctrine of unclean hands based on Plaintiff's related legal action in Florida state court. The Electronic Frontier Foundation requested leave to file an amicus brief in support of Defendant's motion to quash, which I granted. I denied Defendant's motion to quash. No objections to the order were filed. Ultimately, Plaintiff voluntarily dismissed the case without prejudice.

Counsel for Plaintiff

Lincoln D. Bandlow
Law Offices of Lincoln Bandlow, PC
1801 Century Park East
Suite 2400
Los Angeles, CA 90067
(310) 556-9680

Counsel for Defendant

J. Curtis Edmondson
Law Office of J. Curtis Edmondson
Suite D
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Hillsboro, OR 97123
(503) 336-3749

Counsel for Amicus Curiae

Alexandra Helen Moss
Electronic Frontier Foundation
815 Eddy Street
San Francisco, CA 94109
(415) 436-9333

4. Decelles v. Mentor Worldwide LLC, No. 19cv1833-BAS-LL (S.D. Cal.)

This was a medical product liability case that was originally part of a multi-district litigation. Plaintiff in this case alleged that when the pelvic mesh product at issue was inserted into her body, it created a non-anatomic condition in her pelvis which led to chronic pain and functional disabilities. This case was transferred in September 2019 to the Southern District of California from the Southern District of West Virginia, where it had been pending since July 2013. At the time of transfer, the case was almost ready for trial, with the exception of six pending motions to exclude testimony of certain expert witnesses.

I issued a Scheduling Order setting trial in the case on July 28, 2020, before the District Judge. I also conducted a Mandatory Settlement Conference and additional follow-up settlement conferences with the parties. This case successfully resolved during one of my settlement conferences and was ultimately dismissed with prejudice.

Counsel for Plaintiff

Barrett Beasley
Lisa Lanell Causey-Streete
Robert L. Salim
Salim-Beasley, LLC
1901 Texas Street
Natchitoches, LA 71457
(318) 354-1818

Bryan F. Aylstock
D. Renee Baggett
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Aylstock Witkin Kreis & Overholtz
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Counsel for Defendants

For Defendant Mentor Worldwide LLC
Dustin B. Rawlin
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Suite 1100
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Susan M. Robinson
Thomas Combs & Spann
P.O. Box 3824
Charleston, WV 25338
(304) 414-1800

For Defendant Coloplast Corporation
Donald F. Zimmer, Jr.
William E. Steimle
King & Spalding
50 California Street
Suite 3300

San Francisco, CA 94111
(415) 318-1220

Lana Kay Varney
King & Spalding
500 West 2nd Street
Suite 1800
Austin, TX 78701
(512) 457-2060

5. Jones v. Cty. of San Diego, No. 18cv2729-W-LL, 2020 U.S. Dist. LEXIS 100673 (S.D. Cal. June 8, 2020)

Plaintiff Mr. Jones, on behalf of himself and his two minor children, filed this case alleging violations of their civil rights under 42 U.S.C. § 1983. Mr. Jones and Defendant Ms. Jones (now Finrow) shared custody of their children W.J. and E.J. Mr. Jones alleged that Defendants improperly removed W.J. and E.J. from his custody following allegations of child abuse without first obtaining a protective custody warrant.

I held a settlement conference with the parties shortly after Defendants filed their answer. About seven months later, I learned that the parties had reached a negotiated settlement, but Plaintiff's counsel reported that his client had become unresponsive. I worked with the parties to attempt to reach Plaintiff to determine whether settlement was viable. When Plaintiff remained unresponsive to Court orders to attend settlement conferences, I encouraged counsel to continue efforts to reach Mr. Jones and to also consider how to continue the litigation on behalf of the two minor Plaintiffs.

I issued an order granting Defendants' motion to disqualify and remove Mr. Jones as guardian ad litem of the minor Plaintiffs and ordered Plaintiff's attorney to present suitable guardian candidates. I subsequently issued an order appointing a replacement guardian ad litem. When Mr. Jones continued to be unresponsive, I issued a Report and Recommendation recommending dismissal of Plaintiff Mr. Jones for failure to prosecute. No objections were filed, and the district judge adopted the Report and Recommendation. I continued settlement conferences with the parties. Ultimately, a minor's compromise was presented and approved, and the parties moved to dismiss the action.

Counsel for Plaintiffs

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6. City of Imperial Beach v. Int'l Boundary & Water Comm'n U.S. Section, No. 18cv457-JM-LL, 2020 U.S. Dist. LEXIS 117230 (S.D. Cal. July 2, 2020)

This case arises out of the management and operation of facilities in the Tijuana River Valley intended to direct and treat water flowing from Mexico across the international border into the United States.

Plaintiffs are: (1) City of Imperial Beach (a municipal corporation); (2) San Diego Unified Port District (a public entity); and (3) City of Chula Vista (a municipal corporation). Defendant is the International Boundary and Water Commission – United States Section (“USIBWC”) (an agency of the United States charged with addressing transboundary issues arising out of agreements between the United States and Mexico, including the Treaty of February 3, 1944, for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande).

The operative amended complaint alleges three causes of action against USIBWC: (1) for discharges of pollutants from the flood control conveyance without a National Pollutant Discharge Elimination System (“NPDES”) permit in violation of the federal Clean Water Act (“CWA”), 42 U.S.C. §§ 1311(a), 1342;

(2) for discharges of pollutants from the canyon collectors in violation of the CWA and NPDES Permit; and (3) for contribution to an imminent and substantial endangerment in violation of the federal Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6972(a)(1)(B).

There are two related cases: (1) People of the State of California, et al. v. The International Boundary - Water Commission – United States Section, No. 18cv1621-JM-LL (S.D. Cal.); and (2) People of the State of California v. The International Boundary - Water Commission – United States Section, No. 18cv2050-JM-LL (S.D. Cal.).

I held six settlement conferences and several status conferences between April 2019 and July 2020 in an effort to help the parties in the three related cases reach a resolution. The parties filed a Joint Motion to Stay the case for 12 months while the United States Environmental Protection Agency, which is not a party to this action, identifies and moves toward the construction of transboundary pollution control infrastructure in the Tijuana River Valley. District Judge Jeffrey Miller referred the motion to me. I recommended that the stay be granted, and Judge Miller adopted this recommendation.

I held status conferences with counsel in the three related cases every 30 days to ensure that they had judicial supervision for the duration of the stay. The cases remain pending.

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7. Stone Brewing Co., LLC v. Millercoors LLC, No. 18cv331-BEN-LL, 2019 U.S. Dist. LEXIS 190277 (S.D. Cal. Oct. 31, 2019)

Plaintiff and Counter-Defendant Stone Brewing brought this trademark infringement action against MillerCoors over MillerCoors' rebranding of its Keystone brand of light beer. MillerCoors filed a counterclaim against Stone Brewing seeking declaratory judgment of its right to use the marks "STONE" and "STONES" in its Keystone brand.

I have held multiple discovery and settlement conferences in this case. In addition, I have issued 11 substantive discovery orders on a variety of disputes between the parties, including but not limited to, the appropriate scope of discovery, whether certain communications were protected by the attorney-client privilege and/or the work-product doctrine, and requests for evidentiary and monetary sanctions.

This case is currently set to go to trial before District Judge Roger T. Benitez on November 8, 2021.

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8. L.S. v. Oliver, No. 19cv746-JLS-LL, 2019 U.S. Dist. LEXIS 170546 (S.D. Cal. Oct. 1, 2019)

Plaintiff L.S. filed this action alleging Defendant Mr. Oliver had publicly posted sexually explicit photos of Plaintiff that Plaintiff had neither given to Defendant nor given him permission to view.

I conducted an Early Neutral Evaluation between the parties and issued two discovery orders. In the first order, I considered how broadly Defendant could seek discovery into Plaintiff's prior sexual history. In doing so, I construed the scope of California's Revenge Porn statute—section 1708.85 of the California Civil Code—and the underlying policies set forth in Federal Rule of Evidence 412 on sexual behavior, to deny Defendant's request for further information on Plaintiff's past sexual relationships. In the second order, I determined that pre-trial discovery on Defendant's financial condition was still appropriate even before the Court had made a determination on the merits of Plaintiff's claims. The case later resolved through settlement.

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9. Thorne v. Berryhill, No. 18cv1874-MMA-LL, 2019 U.S. Dist. LEXIS 81413
(S.D. Cal. May 14, 2019)

Plaintiff Ms. Thorne filed this action pro se, seeking review of the Social Security Commissioner's denial of her request to review the ALJ's "fully favorable" decision. The case involved the ALJ's alleged failure to follow the instructions of the Appeals Council after Plaintiff's case was remanded.

The parties filed cross-motions for summary judgment where the Social Security Administration adopted two differing positions as to proper remedy. After considering the parties' briefs, I issued a Report and Recommendation directing that Plaintiff's case be remanded to the Social Security Administration for the recalculation and award of benefits. Neither party objected. District Judge Michael M. Anello thereafter adopted the Report and Recommendation in full.

Plaintiff was represented pro se

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10. In re Complaint of Hornblower Fleet, LLC, No. 16cv2468-JM-LL, 2018 U.S. Dist. LEXIS 209032 (S.D. Cal. Dec. 11, 2018)

Plaintiff Hornblower brought this action under the Shipowners' Limitation of Liability Act. The case arose out of an allision of one of Plaintiff's vessels returning to port after a whale-watching excursion. The vessel allided with a concrete seawall injuring multiple passengers, including the claimants in this action. Hornblower contended that the allision was a result of faulty systems manufactured by Third Parties Globe Motors and Twin Disk.

I issued an order granting spoliation sanctions against Plaintiff after vehicle parts relevant to the litigation were found to be missing. I subsequently amended that order to account for the fact that the limitation of liability proceeding would be decided first in a bench trial and recommended a lesser sanction against Plaintiff. In addition, I held three settlement conferences—two at the parties' specific request—where I facilitated a settlement between Plaintiff and Third Parties Globe Motors and Twin Disk.

The case is currently stayed while certain claimants pursue their claims in state court.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
1. Bencomo v. Diaz, 20cv1550-WQH-LL, 2021 U.S. Dist. LEXIS 87143 (S.D. Cal. May 5, 2021)

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2. Maharaj v. Charter Commc'ns, Inc., No. 20cv64-BAS-LL, 2021 U.S. Dist. LEXIS 73035 (S.D. Cal. Apr. 15, 2021)

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3. United States v. Bureau of Cannabis Control, No. 20cv1375-BEN-LL, 2020 U.S. Dist. LEXIS 157919 (S.D. Cal. Aug. 31, 2020)

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4. Strike 3 Holdings, LLC v. Doe, No. 20cv67-LAB-LL, 2020 U.S. Dist. LEXIS 118058 (S.D. Cal. July 6, 2020)

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5. Jones v. Cty. of San Diego, No. 18cv2729-W-LL, 2020 U.S. Dist. LEXIS 100673 (S.D. Cal. June 8, 2020)

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6. City of Imperial Beach v. Int'l Boundary & Water Comm'n U.S. Section, No. 18cv457-JM-LL, 2020 U.S. Dist. LEXIS 117230 (S.D. Cal. July 2, 2020)

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7. Stone Brewing Co., LLC v. Molson Coors Brewing Co., No. 18cv331-BEN-LL, 2019 U.S. Dist. LEXIS 190277 (S.D. Cal. Oct. 31, 2019)

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8. L.S. v. Oliver, No. 19cv746-JLS-LL, 2019 U.S. Dist. LEXIS 170546 (S.D. Cal. Oct. 1, 2019)

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9. Thorne v. Berryhill, No. 18cv1874-MMA-LL, 2019 U.S. Dist. LEXIS 81413
(S.D. Cal. May 14, 2019)

Plaintiff was represented pro se

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10. In re Complaint of Hornblower Fleet, LLC, No. 16cv2468-JM-LL, 2018 U.S.
Dist. LEXIS 209032 (S.D. Cal. Dec. 11, 2018)

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- e. Provide a list of all cases in which certiorari was requested or granted.

I have searched my files and electronic databases to determine whether certiorari was requested or granted in any of my cases. I did not find any in which certiorari was requested or granted.

- f. Provide a summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have searched my files and electronic databases and found one Report and Recommendation of mine that the district judge declined to adopt. I also found one Report and Recommendation that the district judge initially adopted in full dismissing the case, but then later vacated, denying Defendant's motion to dismiss.

Perkins v. Angulo, No. 18cv850-DMS-LL, 2019 U.S. Dist. LEXIS 108851 (S.D. Cal. June 27, 2019): I issued a Report and Recommendation recommending that Defendants' motion to dismiss Plaintiff's first amended complaint be granted. On October 17, 2019, the district judge adopted the Report and Recommendation and granted Defendants' motion to dismiss. On November 1, 2019, *nunc pro tunc*, Plaintiff filed a motion for new trial. On February 26, 2020, the district judge issued an order (1) granting Plaintiff's motion for a new trial, (2) denying Defendants' motion to dismiss, (3) vacating the judgment, and (4) requiring a responsive pleading from Defendants. 2020 U.S. Dist. LEXIS 252649 (S.D. Cal. Feb. 26, 2020). In that order, the district judge noted that the Court had reviewed the record and agreed with Plaintiff that Defendants' motion to dismiss should have been denied based on Bruce v. Ylst, 351 F.3d 1283 (9th Cir. 2003). The district judge noted, however, that Defendants did not cite Bruce in their motion to dismiss and appeared to be using the failure to cite it as a "strategy that was rejected in that case in an effort to dismiss Plaintiff's case at the pleading stage."

Torres v. Berryhill, No. 17cv2504-GPC-LL, 2018 U.S. Dist. LEXIS 213033 (S.D. Cal. Dec. 18, 2018): I issued a Report and Recommendation recommending that Plaintiff's motion for summary judgment be granted and Defendant's cross-motion for summary judgment be denied. Plaintiff's motion for summary judgment sought to overturn the Social Security Commissioner's denial of his claim for disability insurance benefits. The district judge declined to adopt my

recommendation and ultimately denied Plaintiff's motion for summary judgment and granted Defendant's cross-motion for summary judgment. 2019 U.S. Dist. LEXIS 44103 (S.D. Cal. Mar. 18, 2019). The district judge found that the Administrative Law Judge provided specific, clear, and convincing reasons for rejecting Plaintiff's subjective symptom testimony and did not solely rely on medical evidence, but rather considered Plaintiff's medical history and the consultative examiner's opinion, among other factors.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

All my opinions and orders are automatically posted with our Court's electronic case filing system (CM/ECF). As a magistrate judge, the majority of my decisions are unpublished opinions although some may be available on Westlaw/Lexis. To the extent that I have issued decisions that are not posted by Westlaw/Lexis, they are maintained in the Court's CM/ECF system.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Porter v. Gore, No. 18cv1221-GPC-LL, 2020 U.S. Dist. LEXIS 54231 (S.D. Cal. Mar. 27, 2020)

Porter v. Gore, No. 18cv1221-GPC-LL, 2020 U.S. Dist. LEXIS 41356 (S.D. Cal. Mar. 10, 2020)

United States v. Lucas-Hernandez, No. 19mj24522-LL, 2020 U.S. Dist. LEXIS 195638 (S.D. Cal. Oct. 21, 2020)

United States v. Ramos-Moran, No. 19cr2984-LL, 2019 U.S. Dist. LEXIS 157001 (S.D. Cal. Sep. 13, 2019)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal court of appeals.

- 14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself *sua sponte*;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The United States District Court for the Southern District of California has a system that automatically recuses judges from new cases that involve individuals who are identified as conflicts in a list provided by each judge. The system will not assign a case to a judge that involves individuals on his or her conflicts list.

If a party or lawyer appears before me whom I know, I first consider how the opposing side would perceive this relationship. Based on my assessment, if I believe the nature of the relationship is such that the opposing side would have any reason to feel disadvantaged, I recuse. In the alternative, if I feel comfortable in my ability to be unbiased and fair, but believe the opposing side could still have concerns, I immediately bring the potential conflict to the attention of the parties and their lawyers. I then invite the parties and lawyers to have an open discussion, after which I make an informed decision as to whether recusal is appropriate.

I have not been asked to recuse myself due to an asserted conflict of interest.

I recused myself *sua sponte* in the following six cases for the reasons described below.

I recused myself from Thompson v. NSC Technologies, LLC, No. 20cv371-JLB-MSB (S.D. Cal.), because counsel for the defendant was engaged to be married to my term law clerk. At the time the matter was assigned to me, I planned to officiate their marriage in the coming months. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from WI-LAN Inc. v. LG Electronics, Inc., No. 18cv1577-H-AGS (S.D. Cal.), because I have a personal relationship with the lawyer who was representing the defendant. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from Holden v. University of San Diego, No. 20cv2169-LAB-WVG (S.D. Cal.), because the named defendant is the University of San Diego. At the time the case was randomly assigned to me, my husband was employed by the university as an adjunct professor. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from DeHoog v. Boston Scientific Corporation, No. 19cv811-H-BGS (S.D. Cal.), because I have a personal relationship with the lawyer who was representing the plaintiff. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from Castellanos v. United States of America, No. 18cv2334-JM-AGS (S.D. Cal.), because I had previously represented the named plaintiff's son, who was expected to be named as a witness in the case. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

I recused myself from Adkins v. County of San Diego, No. 18cv371-H-MDD (S.D. Cal.), because I have a personal relationship with the lawyer who was representing the plaintiff. After reviewing the Code of Conduct for United States Judges, I determined that my impartiality might reasonably be questioned and that issue was incurable. I therefore returned the case to the Calendar Committee for reassignment.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held public office, other than as a judicial officer.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

2003 – 2007
Linda Lopez, P.A.
799 Brickell Plaza, #606
Miami, Florida 33131

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1999 – 2003
Harry M. Solomon
Roy J. Kahn
800 Brickell Avenue, #1400
Miami, Florida 33131
Attorney

2007 – 2018
Federal Defenders of San Diego, Inc.
225 West Broadway
San Diego, California 92101
Senior Trial Attorney

2018 – present
United States District Court
Southern District of California
221 West Broadway, Suite 2140
San Diego, California 92101
United States Magistrate Judge

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

My law practice was predominantly in the field of criminal defense work. From 1999, when I became a licensed attorney in the State of Florida, until June 2003, I worked as an associate for two criminal defense attorneys, Harry M. Solomon and Roy J. Kahn. I practiced both in state court and federal court. In addition, I was on the Criminal Justice Act Panel, representing defendants in federal court on a court-appointed basis. We also worked on a handful of civil cases mostly dealing with insurance coverage issues, the creation of corporations, and civil restraining orders.

In 2003 I opened my own law practice, while still at the same physical office, sharing space with Mr. Solomon and Mr. Kahn. The general character of law practice remained the same.

In 2007 I relocated to San Diego, California to join the Federal Defenders of San Diego, Inc. At that time, my practice shifted to representing indigent defendants exclusively in the United States District Court for the Southern District of California.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

While my practice area remained the same throughout my career as a practitioner, my typical clients differed from the time I practiced law in Miami, Florida and when I joined the Federal Defenders of San Diego, Inc.

From 1999 until 2007 I represented both retained clients, and clients appointed to me pursuant to the Criminal Justice Act. With respect to my retained clients, their backgrounds varied greatly. I represented individuals charged with different offenses, including health care fraud, money laundering, and drug conspiracies. With respect to defendants whose cases were appointed to me pursuant to the Criminal Justice Act Panel, all were indigent, and many suffered from drug addictions and mental health illnesses.

From June 2007 until my selection as a United States Magistrate for the Southern District of California, I was a federal public defender with Federal Defenders of San Diego, Inc. My work was exclusively in the

United States District Court for the Southern District of California, representing indigent defendants. In part because of the proximity to the United States-Mexico border, a large percentage of my work consisted of border crimes including drug trafficking, illegal entry into the United States, bringing undocumented individuals into the United States, and bulk cash smuggling. Typical non-border matters I handled included bank robbery, fraud, and firearms charges.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Prior to being sworn in as a United States Magistrate Judge for the Southern District of California on October 26, 2018, 100 percent of my practice was devoted to litigation.

From 2007 to present, first as a federal public defender and then as a United States Magistrate Judge, I appeared in court frequently.

From 1999 to 2007, first as an associate to two criminal defense attorneys and then as a sole practitioner, I appeared in court frequently, but on average less than the amount of court appearances I made after joining Federal Defenders of San Diego, Inc. in 2007.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 80% |
| 2. state courts of record: | 19% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 1% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 10% |
| 2. criminal proceedings: | 90% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried three criminal cases to verdict by jury, as sole counsel. I have tried an additional five criminal cases to verdict by jury, as lead counsel with co-counsel. I have tried an additional three criminal cases to verdict by jury, as associate counsel. Lastly, I have tried one non-jury civil case before an administrative judge.

- i. What percentage of these trials were:

1. jury: 92%
2. non-jury: 8%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. United States v. Mendez, 17cr1907-JAH (S.D. Cal.)

This case involved the seizure of heroin and cocaine from Ms. Mendez's car at the San Ysidro Port of Entry. She was arrested and charged with the importation of both, in violation of 21 U.S.C. §§ 952, 960. I served as co-counsel in this case and was involved in the investigation, pretrial motions practice, trial preparation, and jury trial. The case involved extensive witness preparation, including a relative of Ms. Mendez who was present at the time of her arrest. Ms. Mendez was convicted on both counts.

Dates of Representation: 2017 to 2018

Litigated before the United States District Court for the Southern District of California (Hon. John A. Houston).

Co-Counsel

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Opposing Counsel

Kyle B. Martin
Andrew Haden
Katherine Elizabeth Anne McGrath
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2. United States v. Suarez, 16cr583-MMA (S.D. Cal.)

Mr. Suarez was arrested and charged with importation of methamphetamine in violation of 21 U.S.C. §§ 952, 960. I served as co-counsel on the case and worked on all aspects of the investigation, pretrial motions practice, trial preparation, and jury trial. Mr. Suarez was convicted after trial and sentenced to 97 months in custody.

Dates of Representation: 2016 to 2017

Litigated before the United States District Court for the Southern District of California (Hon. Michael M. Anello).

Co-Counsel

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3. United States v. Delgado, 13cr1511-BTM (S.D. Cal.)

Mr. Delgado and his co-defendant were arrested and charged with possession of methamphetamine with intent to distribute and aiding and abetting, 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2. I was lead counsel on this matter. The case involved extensive investigation and pretrial motions practice, including motions to suppress statements and evidence, as well as a motion to sever the co-defendant. I prepared the case for trial; however, Mr. Delgado ultimately entered a guilty plea. He was sentenced to 18 months in custody.

Dates of Representation: 2013 to 2014

Litigated before the United States District Court for the Southern District of California (Hon. Barry T. Moskowitz).

Co-Counsel

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4. United States v. Wheeler-Mills, 12cr1278-BTM (S.D. Cal.)

An indictment was returned charging Ms. Wheeler-Mills and 10 others with wire fraud, 18 U.S.C. §1343; conspiracy to commit mail and wire fraud, 18 U.S.C. §§ 1349, 981(a)(1)(C); mail fraud and aiding and abetting, 18 U.S.C. §§ 1341, 2, 981(a)(1)(C); wire fraud and aiding and abetting, 18 U.S.C. §§ 1343, 2, 981(a)(1)(C); conspiracy to launder monetary instruments, 18 U.S.C. § 982(a)(1); money laundering, 18 U.S.C. § 892(a)(1); and several counts of criminal forfeiture.

I was lead counsel on this case and worked on all aspects of the investigation, pretrial motions practice, trial preparation, and plea negotiations. Ms. Wheeler-Mills ultimately pled guilty and was sentenced to time served. In addition to defending the charges, negotiating the disposition, and preparing for sentencing, the case involved heavily litigated restitution proceedings.

Dates of Representation: 2012 to 2014

Litigated before the United States District Court for the Southern District of California (Hon. Barry T. Moskowitz).

Counsel for Co-Defendants

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Jerry A. Behnke (Former Assistant United States Attorney)
Larson LLP
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Los Angeles, CA 90071
(213) 436-4873

5. United States v. Velasquez, 12cr1750-BTM (S.D. Cal.)

Dr. Velasquez was a practicing psychiatrist in the San Diego area. He was arrested and charged with providing false statements in immigration documents, 18 U.S.C. § 1546, and providing false statements in applications for SSI disability benefits, 42 U.S.C. § 1383(a)(2). I was sole counsel on this matter. This case involved extensive investigation into patient files, as well as voluminous discovery review. In addition, based on the nature of the charges, and since Dr. Velasquez had utilized his role as a treating physician, it was imperative that I immerse myself in social security benefits regulations. Lastly, Dr. Velasquez was simultaneously being investigated by the state medical board.

After lengthy negotiations, Dr. Velasquez agreed to plead guilty. A thorough sentencing memorandum was prepared in this case, and a substantive sentencing hearing took place. Dr. Velasquez was sentenced to 21 months in custody.

Dates of Representation: 2012 to 2013

Litigated before the United States District Court for the Southern District of California (Hon. Barry T. Moskowitz).

Opposing Counsel

Shireen Becker (Former Assistant United States Attorney)
Jones Day
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San Diego, CA 92121
(858) 314-1184

6. United States v. Gomez, 10cr4587-W (S.D. Cal.)

Mr. Gomez was charged with importation of methamphetamine in violation of 21 U.S.C. §§ 952, 960. I was lead counsel on this matter and worked on all aspects of the investigation, pretrial motions practice, trial preparation, and jury trial. Mr. Gomez was convicted after trial. His sentencing was contested, and after hearing argument from counsel he was sentenced to 135 months in custody.

An appeal was filed challenging both the conviction and sentence. The Ninth Circuit Court of Appeals affirmed both.

Dates of Representation: 2010 to 2012

Litigated before the United States District Court for the Southern District of California (Hon. Thomas J. Whelan).

Co-Counsel

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Appellate Co-Counsel

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Opposing Counsel

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7. United States v. Icenhower, 09cr1514-LAB (S.D. Cal.)

Mr. Icenhower was charged with two counts of concealment of assets, 18 U.S.C. § 152(1), two counts of fraudulent transfer or concealment of assets as an agent of any corporation, 18 U.S.C. § 152(7), and two counts of making a false or fictitious statement, 18 U.S.C. § 1001(a)(2). I was lead counsel on this matter. I was involved in extensive pretrial litigation including the filing of an interlocutory appeal, a motion to suppress, and various motions in limine. I was also involved in a contested restitution phase. Mr. Icenhower ultimately pled guilty to concealment of assets and was sentenced to 13 months in custody.

Dates of Representation: 2009 to 2010

Litigated before the United States District Court for the Southern District of California (Hon. Larry A. Burns).

Co-Counsel

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Candis Mitchell
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Opposing Counsel

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Timothy Perry

Department of Homeland Security
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(510) 501-1384

8. United States v. Villaescusa, 08cr255-JLS (S.D. Cal.)

Ms. Villaescusa was arrested and charged with possession of marijuana in violation of 21 U.S.C. §§ 952, 960, as well as possession of marijuana with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). I served as co-counsel on this matter. My representation included working on all aspects of the investigation, pretrial motions practice, trial preparation, and jury trial. After deliberation the jurors were unable to unanimously reach a verdict. District Judge Sammartino declared a mistrial.

Dates of Representation: 2008 to 2009

Litigated before the United States District Court for the Southern District of California (Hon. Janis L. Sammartino).

Co-Counsel

Candis Mitchell
Assistant Federal Defender, San Francisco
450 Golden Gate Avenue, Room 19-6884
San Francisco, CA 94102
(415) 436-7700

Opposing Counsel

William Allen Hall, Jr.
U.S. Department of Justice
1301 New York Avenue, Northwest
Suite 600
Washington, DC 20530
(202) 353-4249

9. United States v. Rodriguez, 159 F. App'x 900 (11th Cir. 2005)

Mr. Rodriguez and others were charged with conspiracy to import a controlled substance, 21 U.S.C. § 846, interference with commerce by threat/violence, 18 U.S.C. § 1951, conspiracy to distribute a controlled substance, 21 U.S.C. § 846, as well as firearms charges in violation of 18 U.S.C. § 922(d), and two counts of 18 U.S.C. § 924(c). I was sole counsel on this matter. Mr. Rodriguez's case involved extensive investigation, psychological evaluations, pretrial motions practice, and trial preparation. The jury trial lasted five days, after which Mr. Rodriguez was convicted.

The sentencing phase of the case required extensive preparation, objections, memorandums, and oral argument.

Following the imposition of a life sentence, I filed a notice of appeal with the United States Court of Appeals for the Eleventh Circuit as to both the conviction and sentence. I prepared and filed the briefs and presented oral argument. Mr. Rodriguez's conviction and sentence were affirmed.

Dates of Representation: 2003 to 2004

Litigated before the United States District Court for the Southern District of Florida (Hon. Marcia G. Cooke).

Litigated before the United States Court of Appeals for the Eleventh Circuit (Hon. Joel F. Dubina, Hon. Phyllis A. Kravitch, Hon. Lyle E. Strom).

Counsel for Co-Defendants (at trial)

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Opposing Counsel (at trial)

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99 Northeast 4th Street
Miami, FL 33132
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10. United States v. Hernandez-Valdez, 125 F. App'x 270 (table) (11th Cir. 2004)

This was a co-defendant case where Mr. Hernandez-Valdez was charged with conspiracy to defraud the United States, 18 U.S.C. § 371, and bringing in and harboring aliens, 18 U.S.C. § 1324. I was sole counsel on this matter. I conducted the investigation, prepared all pretrial motions, and conducted the jury trial. Mr. Hernandez-Valdez was convicted of both counts and sentenced to 27 months in custody.

I represented Mr. Hernandez-Valdez on his appeal before the United States Court of Appeals for the Eleventh Circuit. His conviction was affirmed.

Dates of Representation: 2003 to 2004

Litigated before the United States District Court for the Southern District of Florida (Hon. K. Michael Moore).

Litigated before the United States Court of Appeals for the Eleventh Circuit (Hon. Gerald Bard Tjoflat, Hon. Joel F. Dubina, Hon. Susan H. Black).

Counsel for Co-Defendant (at trial)

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Yvonne Rodriguez-Schack (Former Assistant United States Attorney)
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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not

involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Throughout my career, I have taken great pride in being heavily involved with my community's youth and with legal organizations that advance the development of skills for legal practitioners. As a magistrate judge, I contribute my time to legal organizations that help develop and support lawyers in our community, such as the Federal Bar Association and the Association of Business Trial Lawyers. I regularly volunteer to mentor younger lawyers and law school students. As a practitioner, I also took great pride in working with youths in our community. I routinely volunteered at courthouse events geared toward education of our community's youth, participating in mock trials for elementary school students, and reading to underprivileged students at Porter Elementary.

Prior to my admission to the bench, my most significant legal activity was representing indigent defendants in the Southern District of California. Between June 2007 through October 2018, I represented thousands of individuals, charged with numerous types of crimes, many of whom suffered from mental health issues and/or drug addictions. My role included learning about what specific needs they had, and how those needs could be met, in order to help them become better citizens in our community.

I have not performed lobbying activities on behalf of any client or organization. I am not, nor have I ever been, a registered lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of the Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

No family members or other persons, parties, categories of litigation or financial arrangements are likely to present potential conflicts of interest for me.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I do not anticipate any conflicts of interest. If confirmed, I would handle any matters involving actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical canons or rules.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a magistrate judge, I am not permitted to represent clients in any capacity. However, I routinely contribute my time by mentoring college and law school students and participating in continuing legal education organizations in my district. In addition, I work with my community's youth through various programs organized by my court.

Prior to my appointment, I was a Senior Trial Attorney with Federal Defenders of San

Diego, Inc. from June 2007 until October 2018. In that capacity, 100 percent of my time was devoted to serving and representing disadvantaged members of my community. Prior to 2007, I was a member of the Criminal Justice Act (“CJA”) Panel in the Southern District of Florida. As a member of that panel, I served as court-appointed counsel to individuals who could not afford to pay for legal services.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

My jurisdiction has two selection committees. Senator Dianne Feinstein has one selection committee and Senator Alex Padilla has another selection committee. I applied to both committees, and I was interviewed by both committees. I also interviewed with the Chair for Senator Feinstein’s committee.

On July 20, 2021, I was contacted by an attorney from the White House Counsel’s Office, and I interviewed with that Office the next day. Since July 22, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 30, 2021, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.